

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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THE HIPSAVER COMPANY, INC., ) Civil Action No. 05-10917 PBS  
Plaintiff, )  
v. ) ORAL HEARING REQUESTED  
J.T. POSEY COMPANY, )  
Defendant. )  
AND RELATED COUNTERCLAIM. )

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**MOTION OF DEFENDANT J.T. POSEY COMPANY FOR ORDER  
COMPELLING FURTHER DEPOSITION OF EDWARD GOODWIN  
REGARDING LATE-PRODUCED DOCUMENTS**

Defendant and Counterclaimant J.T. Posey Company ("Posey") moves this Court for an order compelling the further deposition of counterclaim defendant Edward Goodwin regarding subjects pertaining to various documents that were produced following the close of discovery, but which should have been produced long before.

Mr. Goodwin's deposition has already been taken in this matter. Edward Dailey, counsel for HipSaver and Mr. Goodwin, recently agreed to make Mr. Goodwin available for further examination on Friday, March 3, 2006. However, Mr. Dailey has specifically stated that the scope of the further examination must be determined by the Court.

There is presently a hearing before Magistrate Judge Collings on March 2, 2006 on at least three other motions. Counsel for HipSaver and Mr. Godwin had have agreed

that, Magistrate Judge Collings' calendar permitting, the instant motion should be heard concurrently with the other pending motions.

The instant motion will be based upon the accompanying memorandum of point and authorities, the accompanying exhibits, the files and records in this action, the arguments of counsel and such other matters as may be presented to the Court at the hearing on the motion.

Dated: February 24, 2006

J.T. POSEY COMPANY

By its attorneys,

/s/ Douglas H. Morseburg

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**CERTIFICATE OF SERVICE**

I certify that a copy of this document has been forwarded by electronic mail and USPS First Class mail today to Plaintiff's counsel of record, Edward J. Dailey, Esq., BROMBERG SUNSTEIN LLP, 125 Summer Street, 11<sup>th</sup> Floor, Boston, Massachusetts 02110-1618, Edailey@bromsun.com.

/s/ Donald K. Piper  
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